

REMARKS

Claims 1 to 18 and 20 to 37 and 42 to 64 are in the case.

Claim 1 has been amended to recite that the fuel blend comprises an oxygen-containing component and that the said oxygen-containing component is one or more compounds of formula (I). In addition, claim 1 has been amended to remove R₁ as being hydrogen.

Claim 24 has been amended to depend directly from claim 20.

Claims 32 to 35, directed to the fuel blend further containing a stabilizer have been cancelled.

Claim 36 has been amended to recite that the fuel blend further comprises a stabilizer.

The Applicant reserves the right to pursue the subject matter of the claims cancelled in this response by way of one or more continuing applications.

The Applicant thanks the Examiner for her very helpful comments and suggestions in the final paragraph of page 4 of the Office Action, which Applicant has followed to provide the amended claims set out above.

Rejection under 35 U.S.C. § 102

Claims 1 to 4, 6 to 8, 12, and 43 to 44 of this application stand rejected under 35 U.S.C. § 102(b) as being anticipated by Klezl (US 5,232,464). This rejection is respectfully traversed.

Klezl discloses a fuel composition comprising methyl formate. The fuel composition of Klezl is formulated to provide a fuel having the smallest difference between the RON- and MON-values. Reference in this respect is made to Klezl at lines 59 to 64 of column 1.

Claim 1 of the present application has been amended, as suggested by the Examiner, to specify that the oxygen-containing component is one or more compounds of formula (I) and that R_1 is not hydrogen. As noted by the Examiner, the effect of this is to distinguish the subject matter of claim 1 over Kezl. Accordingly, it is submitted that claim 1 as now amended is not anticipated by Kezl. For the same reasons, all claims dependent from claim 1 are not anticipated by Kezl.

Claims 1 to 3, 5 to 7, 9, 11, 19, 32 to 35 and 44 of this application stand rejected under 35 U.S.C. § 102(b) as being anticipated by Killick (WO95/02654). This rejection is respectfully traversed.

As noted in the previous response to Office Action, Killick is concerned with a fuel blend including a hydrocarbon liquid and up to 20% ethanol and/or n-propanol. Claim 1, as amended in accordance with the Examiner's suggestion, requires that the oxygen-containing component is one or more compounds of formula (I).

Accordingly, it is submitted that the fuel blend of claim 1 is not anticipated by Killick. Claims 2 to 44, being dependent from claim 1, are also not anticipated by Killick.

Claims 1 to 4, 6 to 8, 11, 19, 32 to 34, and 43 to 44 of this application stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mayerhoff (US Patent 3,869,262). This rejection is respectfully traversed.

As previously noted, Mayerhoff is directed to fuel compositions containing oxygen-containing hydrocarbon compounds of a given formula (see the abstract of Mayerhoff). The fuel composition of Mayerhoff comprises at least 3 oxygen-containing compounds, in particular at least one acetal, and at least 2 further compounds selected from acetals, alcohols and acetates. Reference is made to Mayerhoff at lines 55 to 67 of

column 5. The key examples of Mayerhoff relate to a fuel mixture containing an additive consisting of 30 parts of methanol, 20 parts of methylal, 30 parts of methylacetate and 20 parts of isopropanol. It is clear that the fuel mixture of Mayerhoff, while it may contain an acetate, contains significant amounts of other oxygenate compounds, such as alcohols. In the case of Examples 9 and 10, the 30 parts of methyl acetate are accompanied by 50 parts of alcohol and a further 20 parts of methylal. Accordingly, it can be seen that, again, Mayerhoff is not using the acetate as the major oxygen-providing agent in the additive or fuel composition. On the contrary, Mayerhoff is teaching that the acetate must be accompanied by greater amounts of other oxygenate compounds.

Claim 1 has been amended in accordance with the suggestions of the Examiner, which the Examiner considers overcomes the teachings of the prior art, including Mayerhoff. For these reasons, it is submitted that the fuel blend of claim 1 is not anticipated by Mayerhoff. Claims 2 to 44, being dependent from claim 1, are also not anticipated by Mayerhoff.

Claims 1 to 3, 4 to 7, 9, 11, 19, 32 to 35, and 43 to 44 of this application stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tunison (US Patent 1,423,048). This rejection is respectfully traversed.

Tunison is concerned with providing fuel compositions using as a basic ingredient heavy oil. As noted in the previous response to Office Action, this heavy oil is the product remaining after the distillation of a crude oil to produce the conventional fuel fractions, such as gasoline. Reference is made to Tunison at lines 94 to 106 of column 1. To render this heavy oil useful as a fuel, Tunison blends it with more volatile components, such as ethers, alcohols and esters. Examples 2 and 3 of Tunison, referred to by the Examiner in the previous Office Action, contain significant quantities of alcohols as the major oxygen-providing component. Clearly, this fuel blend does not fall within the scope of claim 1 of this application as now amended. Claim 1 requires that the oxygen-containing component is one or more esters of Formula (I), as suggested by the Examiner.

For these reasons, it is submitted that the fuel blend of claim 1 is not anticipated by Tunison. Claims 2 to 44, being dependent from claim 1, are also not anticipated by Tunison.

Claims 1 and 15 to 18 of this application stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dorer (US Patent 3,658,495). This rejection is respectfully traversed.

Dorer is concerned with compositions for use as fuels and cleaning agents for fuel systems comprising a combination of oxy compounds and ashless dispersants. Dorer discloses a wide range of oxy compounds, included in the fuel blend for their cleaning action. As such, Dorer discloses only very minor amounts of the oxy compounds. This is consistent with the teaching of Dorer to include only sufficient cleaning agents and dispersants to perform their recited function. Indeed, the person of ordinary skill in the art would readily understand the need to keep the content of such components to an absolute minimum. Dorer does not disclose a fuel blend of gasoline or diesel in which the oxygen-containing component is one or more esters of Formula (I) and is present in an amount to provide an oxygen-content of at least 1% by weight, as now defined in claim 1 of this application.

For these reasons, it is submitted that the fuel blend of claim 1 is not anticipated or rendered obvious by Dorer. Claims 15 to 18, being dependent from claim 1, are also not anticipated by Dorer.

Rejection under 35 U.S.C. § 103

Claim 42 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Killick (WO 95/02654) and Dorer (US Patent 3,658,495) as applied to claims 1 and 15 to 18 and further in view of Gyimah (US Patent No. 5,302,595). This rejection is respectfully traversed.

As noted above, the fuel blends of claim 1 of this application, as now amended are not disclosed in either of Killick or Dorer. There is no teaching or suggestion in

either document to provide a fuel blend of gasoline or diesel having an oxygen-content of at least 1% by weight provided by an oxygen-containing component that is one or more esters of Formula I. As noted by the Examiner, claim 1 as now amended is clearly distinguished and not obvious in the light of Killick, Dorer and Gyimah.

Accordingly, for these reasons and the reasons given above for the patentability of claims 1 and 15 to 18, it is submitted that claim 42 is not obvious in the light of Killick, Dorer and Gyimah.

Rejection under 35 U.S.C. § 112

Claim 24 is rejected under 35 U.S.C. § 112 as being indefinite. This rejection is respectfully traversed.

Claim 24 has been amended to depend directly upon claim 20. Claim 20 specifies that the oxygen-containing component contains a first compound in which, in the Formula (I) of claim 1, R_2 is ethyl and a second compound in R_2 is methyl. Claim 24 further specifies that these compounds are ethyl acetate and methyl acetate respectively. It is submitted that claim 24 as amended is definite in terms of the subject matter claimed.

Claims 32 to 35 are rejected under 35 U.S.C. § 112 as being indefinite. This rejection is respectfully traversed. Claims 32 to 35 have been cancelled.

As noted above, the claims of this application have been amended as suggested by the Examiner in her very helpful comments. Applicant submits that the claims of this application, as herein amended, are directed to allowable subject matter. Accordingly, reconsideration and withdrawal of all outstanding rejections and allowance of the claims at an early date are hereby respectfully requested.

Respectfully submitted,

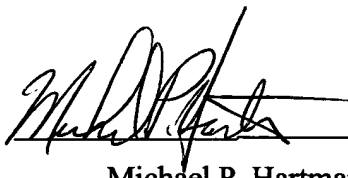


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Signature: _____



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